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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,434	12/12/2000	Jason Hallford	42390P9918	5281

8791 7590 12/22/2005

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EXAMINER

WOOD, WILLIAM H

ART UNIT PAPER NUMBER

2193

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/735,434	HALLFORD, JASON	
	Examiner	Art Unit	
	William H. Wood	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

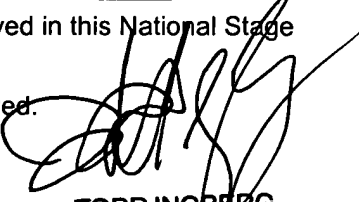
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


TODD INBERG
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 3-13 and 15-52 are pending and have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47 and 50 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Though “functionality” has been replaced by “execution”, there is still insufficient disclosure has to it definition and meaning. Thus, the new matter rejection is maintained.

3. Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Again, the claims appear to be missing a completion step, because simply pushing code onto a communication link according to

a schedule does not achieve any useful result in view of the failure to comply with the written description requirement above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in further view of **Kamimura** (USPN 6,526,455).

6. Claims 6, 12, 26, 40 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in further view of **Nakajima** (USPN 6,289,510).

7. Claims 13-18, 20, 24, 25, 30-33, 35, 39, 44-47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in further view of **Becker** (USPN 5,937,411).

8. Claims 19, 21, 22, 34, 36, 37 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al.

(USPN 5,724,345) in view of **Becker** (USPN 5,937,411) in further view of **Nakajima** (USPN 6,289,510).

9. Claims 23, 38 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in view of **Becker** (USPN 5,937,411) in view of **Nakajima** (USPN 6,289,510) and in further view of **Lounsberry** et al. (USPN 6,574,518).

10. Claims 17, 28, 41, 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in view of **Nakajima** (USPN 6,289,510) in further view of **Spyker** et al. (USPN 6,571,389).

11. Claims 17, 28, 41, 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo** et al. (USPN 6,617,980) in view of **Guarneri** et al. (USPN 5,724,345) in further view of **Spyker** et al. (USPN 6,571,389).

Response to Arguments

12. Applicant's arguments filed 28 September 2005 have been fully considered but they are not persuasive. Applicant argues **Endo** does not disclose pushing availability schedule onto a unidirectional communication link. Though the communication link of **Endo** may be labeled as bidirectional, the broadest reasonable interpretation of

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Applicant's claim language reads upon bidirectional as well. Bidirectional at least includes unidirectional. Further, **Endo's** broadcast is unidirectional. And finally, **Endo's** communication elements are part of a larger system (figure 1), and thus the software and the availability schedule are pushed onto said larger system. The larger system is read upon by the "unidirectional communication link" of Applicant's claim. Separate units may then later be used. Therefore, in relation to cited prior art, Applicant's concerns have been addressed as stated and the rejections are maintained.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


William H. Wood
December 20, 2005



**TODD INGBERG
PRIMARY EXAMINER**